

FILED
BOARD OF PHYSICAL THERAPY
AUG 31 2010

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PHYSICAL THERAPY EXAMINERS

Administrative Action

MODIFIED
CONSENT ORDER

This matter came before the New Jersey State Board of Physical Therapy Examiners (hereinafter referred to as the "Board") upon the Board's random audit of licensed physical therapists and physical therapist assistants pursuant to N.J.A.C. 13:39A-9.4(d) who submitted license renewal applications to engage in the practice of physical therapy for the 2008-2010 biennial renewal period. The renewal applications submitted by

licensed physical therapists and physical therapist assistants included an acknowledgment regarding whether or not the licensees had completed thirty (30) continuing education credits during the period from February 1, 2006 through January 31, 2008 as required for the 2008-2010 biennial license renewal period pursuant to N.J.S.A. 45:9-37.18(a)10 and N.J.A.C. 13:39A-9.1 et. seq.

The information supplied by Patricia Kennedy, P.T. (hereinafter referred to as the "Respondent") in correspondence dated May 5, 2008 in response to the Board's audit is that she has completed twelve (12) Board pre-approved credits and an additional twenty-six point five (26.5) hours of credits not approved by the Board. Upon a review of the submissions, the Board found that the course sponsored by the American Heart Association entitled "Healthcare Providers CPR" is pre-approved for only two (2) credits. The Board further found that the course sponsored by Cross Country Education entitled "Therapeutic Yoga: Bridging Ancient Practice" taken for six (6) continuing education credits, the course sponsored by Cross Country Education entitled "Treat the Neck Gently" taken for six (6) continuing education credits, the course sponsored by the Ocean County Health Department entitled "Oasis-Medicare" taken for four (4) continuing education credits, and the course sponsored by Ocean County Health Department entitled "NDoc Computer Documentation" taken for ten point five (10.5) continuing

education credits are not pre-approved by the Board. For courses not pre-approved by the Board, a course outline and curriculum vitae for each lecturer must be provided to obtain credit pursuant to N.J.A.C. 13:39 A-9.3 (g) and N.J.A.C. 13:39 A-9.6 (a) upon audit.

Based upon all the available information reviewed, the Board has found that the Respondent has completed eight (8) of the required continuing education credits. The Respondent's conduct in failing to obtain thirty (30) continuing education credits in the period from February 1, 2006 through January 31, 2008 establishes a basis for disciplinary action as the Respondent did not meet the requirements for renewal of her license to practice as a physical therapist as she failed to obtain the requisite thirty (30) continuing education credits within the two years preceding the renewal period as required by N.J.S.A. 45:9-37.34(d) and N.J.A.C. 13:39A-9.1 et. seq.

It appearing that the Respondent desires to resolve this matter without further proceedings and waiving any right to a hearing, and the Respondent acknowledging and not contesting the findings of fact and conclusion of law made by the Board; and the Board having been satisfied that the within resolution adequately protects the public health, safety and welfare; and for good cause shown:

ACCORDINGLY, IT IS ON THIS 31st DAY OF AUGUST, 2010

ORDERED that:

1. The Respondent's license to practice as a physical therapist, renewed on February 1, 2008 and in active status, will remain active on the condition that the Respondent submits documentation that she has satisfactorily completed an additional twenty-two (22) continuing education credits as required by N.J.S.A. 45:9-37.34(d) and N.J.A.C. 13:39A-9.1 et. seq. within sixty days (60) of the filing date of this order. Respondent may submit satisfactory proof of completion of continuing education courses relating to physical therapy which were not pre-approved by the Board for credit if the continuing education courses met the requirements of N.J.A.C. 13:39A-9.3(a) and the provider meets the requirements of N.J.A.C. 13:39A-9.6. Failure to comply with this condition within the stated time period will result in the automatic and immediate suspension of the Respondent's license to practice physical therapy in New Jersey without further order until such time as Respondent submits satisfactory proof of completion of all required credits. This shall confirm that respondent submitted satisfactory proofs that she completed the twenty two outstanding continuing education credits required by this Consent Order.

2. The twenty-two (22) continuing education credits taken as part of this action shall not qualify to fulfill the mandatory continuing education requirements for the 2010-2012 renewal period pursuant to N.J.A.C. 13:39A-9.2(d).

3. Respondent is cautioned in the future to obtain the requisite continuing education courses within the preceding renewal period as required by N.J.S.A. 45:9-37.34(d) and N.J.A.C. 13:39A-9.1 et. seq. and to carefully complete all renewal applications

4. Respondent is hereby assessed a civil penalty in the amount of **\$750.00** for her failure to obtain the thirty (30) continuing education credits within the preceding biennial licensure renewal period. **Respondent paid the \$750 civil penalty in full.**

NEW JERSEY STATE BOARD
OF PHYSICAL THERAPY EXAMINERS

By: Karen Wilk PT, DPT 40QAC0560100
Karen Wilk, P.T., D.P.T.
Chair

I have read and understand the within
Consent Order and agree to be bound
by its terms. Consent is hereby given
to the Board to enter this Order.

Patricia Kennedy P.T.
40QA00125060

DATED: 8/10/10